

**STATE OF MICHIGAN**  
**IN THE SUPREME COURT**

Frank Houston, Chair, Oakland  
County Apportionment Commission,

and

Edna Freier, Christy Jenson,  
Melanie McElroy, Loretta Coleman  
and Jim Nash,

Plaintiffs,

v.

Rick Snyder, Governor  
of the State of Michigan,

and

Oakland County Board of  
Commissioners,

Defendants.

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*4-1691*  
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**PLAINTIFFS' RESPONSE TO DEFENDANT OAKLAND COUNTY BOARD OF**  
**COMMISSIONERS' REQUEST TO TREAT BYPASS APPLICATION AS**  
**APPLICATION FOR LEAVE TO APPEAL**

1. On February 8, 2012, Judge William E. Collette of the Ingham Circuit Court, issued an opinion granting Plaintiffs motion for summary disposition and denying Defendants' motions for summary disposition, which opinion was incorporated into an order dated February 16, 2012.

2. On February 22, 2012, Defendant Oakland County Board of Commissioners filed an emergency claim of appeal with the Michigan Court of Appeals from the February 21, 2012 order.

3. On February 23, 2012, Defendant filed a bypass application for leave to appeal with this Court together with a motion for immediate consideration and expedited relief.

4. On March 7, 2012, the Court of Appeals issued an opinion, affirming in part the decision of the Trial Court.

5. On March 8, 2012, Defendant Oakland County Board of Commissioners filed this "Request" to treat its bypass application for leave to appeal as an emergency application for leave to appeal.

6. The Defendant's "Request" is procedurally defective. MCR 7.313 allows for motions to be filed in this court but there is no rule allowing for "requests" and Defendant cites no rule.

7. A bypass application filed before a court of appeals decision is filed pursuant to MCR 7.302(C)(1), and must establish the grounds set forth in MCR 7.302(B)(4).

8. An application for leave to appeal is filed pursuant to MCR 7.302(A) and according to MCR 7.302(B) "must show" the grounds on which it is based.

9. Neither Defendant's "Request" nor its earlier bypass application allege or

establish the grounds for granting leave to appeal.

10. The decision of the Court of Appeals is not clearly erroneous, will not cause material injustice and is based upon and completely consistent with an earlier decision of this Court, ***Michigan v Wayne County Clerk***, 466 Mich 640; 648 NW2d 202 (2002).

11. The decision of the Court of Appeals does not involve legal principles of major significance to the state, involving instead only the constitutionality of a local act, impacting only Oakland County.

12. If the Court grants Defendant Oakland County Board of Commissioners' request to treat its bypass application as an application for leave to appeal, the Court is requested to consider Plaintiffs' response to Defendant Snyder's application for leave to appeal as its response to Defendant Oakland County's application.

WHEREFORE, Plaintiffs request that this Court deny Defendant Oakland County Board of Commissioners' request to treat its bypass application as an application for leave to appeal.

Respectfully submitted,

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